

### **REMARKS**

Of claims 1-41 previously presented, claims 11, 12, and 14-16 were withdrawn from consideration pursuant to an election requirement. This amendment cancels claims 15 and 30, leaving claims 1-10, 13, 17-29, and 31-41 for consideration on the merits. Despite the amendments to the claims presented above, applicants continue to assert that at least independent claims 1, 26, and 33 are generic. In view of the amendments and remarks presented herein, reconsideration and allowance of all claims are respectfully requested.

As an initial point, applicants note that the claim amendments presented above are fully supported by the original specification. Independent claims 1, 26, and 33 are amended to recite "a collapse actuator." Original claims 15 and 16 recite this same element, and therefore the amendments to the independent claims do not introduce new matter. Furthermore, claims 16-21 are amended to be consistent with the changes to the independent claims from which they ultimately depend. Accordingly, consideration and entry of these claim amendments are respectfully requested.

Turning to the Office action, claims 1-10, 13, and 15-39 stand rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,964,782 ("Lafontaine") in view of U.S. Patent No. 6,334,865 ("Redmond"). Applicants traverse this ground of rejection.

Independent claims 1, 26, and 33 are amended to incorporate the subject matter of claim 15, as well as to recite that the collapse actuator is releasably coupled to the collapsible backing. More specifically, claim 1 now specifies a closure device for closing an opening in a body cavity including an elongate delivery member and a closure component removably connected to the delivery member. The closure component includes a collapsible backing movable between a non-collapsed position, in which the backing has a generally conical shape with a center portion of the backing distally spaced from a periphery of the backing, and a collapsed position, in which the backing center portion is collapsed proximally toward the backing periphery to have a generally disc shape. A collapse actuator is releasably coupled to the collapsible backing and operable to move the collapsible backing from the non-collapsed position to the collapsed position.

Similarly, independent claim 26 specifies a method of closing an opening in a body including inserting a closure component having a collapsible pile backing distally through the opening closure. The pile backing initially has a non-collapsed position in which the backing has a generally conical shape with a center portion of the backing distally spaced from a periphery of the backing. The method further includes withdrawing the closure component proximally relative to the opening such that the tissue engaging hooks engage tissue adjacent the opening. A collapse actuator that is releasably coupled to the collapsible pile backing is manipulated to collapse the collapsible pile backing to a collapsed position in which the backing center portion is moved proximally toward the backing periphery to form a generally disc shape. The collapse actuator is then disconnected from the collapsible pile backing.

Also similar to claim 1, independent claim 33 specifies a closure device for closing an opening in a body cavity including an implantable closure component having a longitudinally collapsible backing movable between a non-collapsed position, in which the backing has a generally conical shape with a center portion of the backing distally spaced from a periphery of the backing, and a collapsed position, in which the backing center portion is collapsed proximally toward the backing periphery to have a generally disc shape. A collapse actuator is releasably coupled to the collapsible backing and operable to move the collapsible backing from the non-collapsed position to the collapsed position.

The proposed combination of Lafontaine and Redmond fails to disclose or suggest a closure device or method having a collapse actuator that is releasably coupled to a collapse backing, as specified in the currently pending claims. A collapse actuator was initially recited in original claim 15. In rejecting claim 15 as obvious over the combination of Lafontaine and Redmond, the Office action asserts that Lafontaine teaches each element of that claim except for a collapse actuator. The action further states that the barrier actuator 22 of Redmond is responsive to the claimed collapse actuator. If one considers the barrier actuator 22 to be the collapse actuator and the barrier 26 to be the collapse backing, then it is evident that the barrier actuator 22 is not releasably coupled to the barrier 26 as required in the claims. Furthermore, it would not be obvious to modify the barrier actuator 22 of Redmond to be releasably coupled to the barrier 26 because Redmond uses the permanent connection between the barrier actuator and

the barrier to facilitate removal of the barrier assembly 4 from the tissue tract after the flowable hemostatic material has been deposited.

The prior art must disclose at least a suggestion of an incentive for a claimed combination of elements in order to establish a *prima facie* case of obviousness. No such suggestion is apparent from either of the cited references and hence the obviousness rejection should be withdrawn. See *In re Sernaker*, 217 U.S.P.Q. 1 (Fed. Cir. 1983) and *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985).

Claims 2-10, 13, 17-25, 27-29, 31-32, and 34-41 all depend from independent claims 1, 26, and 33, and therefore are patentable over the proposed combination of references for the same reasons presented above.

#### CONCLUSION

It is submitted that the present application is in good and proper form for allowance. A favorable action on the part of the Examiner is respectfully solicited.

If, in the opinion of the Examiner a telephone conference would expedite prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,  
MILLER, MATTHIAS & HULL

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By:



Brent E. Matthias, Reg. No. 41,974  
Attorneys for Applicants  
One North Franklin Street  
Suite 2350  
Chicago, Illinois 60606  
(312) 977-9902